

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CHAVIS COX,)	Civil Action No. 4:21-cv-3797-MGL-TER
)	
Plaintiff,)	
)	
-vs-)	
)	ORDER
)	
JOEL ANDERSON, DENNIS)	
PATTERSON, JOSEPH STINES,)	
STACEY RICHARDSON, ESTHER)	
LABRADOR, JANA HOLLIS, SHERRY)	
MACKEY, STEPHANIE SKEWES,)	
and BRANDON BYRD,)	
)	
Defendants.)	
_____)	

Plaintiff, who is proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983 alleging various violations of his constitutional rights while detained at the Kirkland Correctional Institution. Presently before the Court are numerous motions. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. 636(b)(1)(A) and (B) and Local Rule 73.02 (B)(2)(e), DSC.

In his Motion to Amend/Correct his Amended Complaint (ECF No. 35), Plaintiff seeks to amend his complaint to add a claim for punitive damages. However, he did not submit a proposed amended complaint with his motion. Without a proposed amended complaint, the court cannot ascertain whether allowing the requested amendment would be proper. Therefore, Plaintiff's Motion to Amend (ECF No. 35) is **DENIED**.

Both Plaintiff and Defendants have filed several motions surrounding the same set of discovery requests by Plaintiff. Defendants first filed a Motion for Extension of Time (ECF No. 37)

to respond to Plaintiff's discovery requests. Plaintiff then filed a Motion to Compel (ECF No. 40) asking the court to compel Defendants to respond to these same discovery requests. Defendants then filed another Motion for Extension of Time (ECF No. 42) asking for additional time to respond to the discovery requests. Plaintiff filed a second Motion to Compel (ECF No. 59), noting that he still had not received responses to his discovery requests. Defendants filed a Response (ECF No. 65) acknowledging that they had timely responded to Plaintiff's requests for production but inadvertently failed to serve responses to Plaintiff's interrogatories after requesting an extension of time. However, Defendants noted that they had served the outstanding discovery responses on Plaintiff at the same time they filed their response and submitted their certificate of service. Plaintiff subsequently acknowledged receipt of the outstanding discovery and, thus, it appears that this issue has been resolved. The Motions for Extension of Time (ECF Nos. 37, 42) are **GRANTED** and Plaintiff's Motions to Compel (ECF Nos. 40, 59) are **MOOT**.

Defendants filed two Motions for Extension of Time (ECF Nos. 48, 58) to file dispositive motions, which are **GRANTED** to the extent that Defendants' Motion for Summary Judgment (ECF No. 62) is timely filed. After Defendants filed their summary judgment motion, which will be addressed by separate Report and Recommendation, Plaintiff filed a Motion for Extension of Time (ECF No. 69) to conduct additional discovery. Plaintiff's motion is untimely under the scheduling order and was filed after Defendants filed their motion for summary judgment. Though Plaintiff references the fact that he recently received Defendants' discovery responses, he does not explain in his motion why he could not have conducted the additional discovery he now requests within the original scheduling order deadline or, at the least, prior to Defendants' filing of their summary judgment motion. Therefore, the Motion for Extension of Time (ECF No. 69) is **DENIED**.

Plaintiff also filed a Motion to Compel (ECF No. 70) and a Motion for Preliminary Injunction/Temporary Restraining Order (ECF No. 71), asserting that SCDC was holding Defendants' summary judgment motion and its attachments for review because an SCDC policy was included as an attachment to the motion. In both motions, Plaintiff asks the court to direct SCDC to release the motion and attachments to him. He subsequently filed a Motion for Extension of Time (ECF No. 73) indicating that he had received the motion but needed additional time to respond. Therefore, the Motion to Compel (ECF No. 70) and the Motion for Preliminary Injunction/Temporary Restraining Order (ECF No. 71) are **MOOT**. Plaintiff's Motion for Extension of Time (ECF No. 73) is **GRANTED** to the extent that his Response (ECF No. 77) is timely.

Plaintiff's Motion for Pretrial Conference (ECF No. 47) is **DENIED** as premature and with leave to refile, if necessary, following a ruling on Defendant's Motion for Summary Judgment.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

March 31, 2023
Florence, South Carolina